

## **Passaic River Superfund Community Advisory Group Monthly Meeting Summary Thursday, July 9, 2015**

### **FINAL**

#### **Project Updates**

Proposed Plan for Lower 8 miles: EPA is still reviewing comments, and on target for a decision by the end of calendar year 2015.

Phase II Removal area sampling: this was completed in March, expect data report to be submitted next month. Should have more information on this at the September 10 meeting.

Phase II and bioremediation proposal: Liz Butler could not make the meeting, she will provide more detailed updates in writing.

Lister Avenue: EPA conducted an internal kickoff on the fourth five-year review on the interim remedy of the Lister Ave. capped area to be completed by next summer. EPA is required to review the protectiveness of this remedy every five years.

CAG question: Will they review any impacts of the warehouse that abuts the property? Part of the review is to conduct community input to hear about these sorts of issues and questions about the property changes over the past five years, so that will certainly come up and be considered.

CAG question: Will this site ever be revisited to create a permanent solution? Ultimately a review will be conducted to look at moving interim to permanent remedies.

CAG Action: Send a list of questions regarding the five-year review to Liz Butler.

#### **EPA Recognition of the Passaic River CAG**

David Kluesner nominated the CAG for EPA's Community Excellence Award to recognize the CAG for its long-term efforts as volunteer residents who took the considerable time to become educated and advise EPA on the many facets of cleanup.

The Passaic CAG represents a national model of how CAGs can and should work. They have proven that hard work and good relationships are more effective than yelling and screaming. This award was determined by a national panel that selects one community per year across the country. This is the 16<sup>th</sup> year of the excellence in Community Involvement Award. In 2008, Carol Johnston received this award, went to DC and met with several Congressman and Senator.

Mathy Stanislaus, EPA Assistant Administrator, wrote a letter of recognition to the CAG, and joined the meeting by phone. Mathy provided his thanks to the CAG for its commitment to creating core values, working as a group, devoting countless hours of time, and creating and informed comprehensive input to both the remedies and the public process.

#### **Carol Johnston Memorial**

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The CAG remembered Carol Johnston for her vision, passion, and dedication to the CAG and the cleanup of the Passaic River. On September 26, the Ironbound Community Corporation will conduct a ceremony for the installation of the Memorial. Donations are still being sought and can be provided at the ICC website. More information can be found at <http://bit.ly/SrCarolMemorial>

### **NJDEP Plans for Natural Resource Restoration Funds identified in the State's Passaic River Lawsuit Settlement**

John Sacco, Office of Natural Resource Restoration at NJDEP provided the update. There are two components of Natural Resource Restoration-- the actual Injury to the environment, and the lost human use. The State is seeking to restore for both of those losses. The \$67 million set aside in consent order is required to be used for NRR in the Passaic estuary. Because of the magnitude of the injury, the negotiations for this settlement were largely done at the level of the Director and Governor's offices. John is now responsible for managing the implementation of the \$67 million restoration funds.

John has worked extensively in this area and with area stakeholders, he is here to listen. He encourages folks to look at the list of possible restoration projects for the Passaic Rives compiled by the Army Corps of Engineers as part of the Hudson-Raritan Estuary Comprehensive Restoration Plan.

CAG question: What is the scope of the areas this will cover? The resources are all connected in the Passaic estuary, downstream and upstream. So geography is less important than its impact on the estuarine food web. In terms of lost use it, will be more focused on the Passaic. The State will be looking for projects with maximum ecological or human use uplift, and to maximize spending on restoration over administration.

CAG question: The city is already beginning scoping for the possible expansion of Riverfront Park, prepared to commit significant dollars to that. Have you looked at the zoning expansion? Yes, the State is aware of that. Also looking at other access areas and boat ramps, they will all be considered. The State is also looking at some of the projects that the Army Corps has identified that have significant ecological uplift, such as Liberty State Park.

CAG question: Could any of this money go to cleaning up the Lister Ave site? This is not money for cleanup, there is a separate pot for that.

CAG question: What is the total cost of the projects you are already considering? Can't really answer that without detailed bids. For the projects that are easy to conduct, there should be plenty of money. We are looking at projects that will have the greatest impact.

CAG question: When conducting the projects, is there any place for public comment? Yes, the Corps process has been public all along, and the State envisions vetting projects as we move forward as well. Activity so far has been sparse as there has been no money, so now will be able to move forward in earnest.

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CAG question: Is there a regional study? The Hudson-Raritan Estuary Comprehensive Restoration Plan serves that purpose, it provides a good template of what projects are out there.

CAG comment: the Nutley Boat Ramp is on the Harbor estuary list, and believe that a half million dollars will take care of the needs. This has been a long-time need and priority. NJ owns the ramp. Second project would like to see done is Minish Park. Harvey Morginstin has sent a letter outlining these projects. Hurricane Sandy destroyed the floating dock at Liberty Park and it has not been replaced.

CAG question: Wetlands restoration projects are a high priority for the CAG, is it possible to approach some of these before the cleanup begins? There is a difference of opinion on this as to whether it can be done with the uncertainty of remedial activities. There are some who are advocating for pilot studies, but this has not worked out so far. Some of these bank areas will likely be restored as part of the remedy as well. We will first need to see what the remedy will include. The Corps is also actively seeking to start projects sooner rather than later if at all possible. It is not uncommon to conduct NRD restoration in conjunction with the remedy.

Remember that the \$67 million is just a start, there is still the full Natural Resources Damages Settlement that will be required for the project.

CAG question: We want to have community input as part of the decision on these projects and the CAG is willing to be part of that process. Is there a timeline for these projects? Right now the State is just trying to formulate the list and priorities.

CAG question: Can we see that list? Yes, place to start is the Corps Restoration Plan.

CAG question: Can we possibly get a head start on some of these things and get paid back later, people really need to see some progress? For example, Riverside Park in Bergen County, engineering work is 99% done, could be constructed very quickly, 400 people and six schools row out of there, and it is in a public park, just above the lower eight mile remediation area.

Public Comment: On land restoration and natural habitat should be prioritized, want to see visible work, not things that could get dug up with the remedy.

### **CAG Action**

The CAG will pull together ideas and comments on potential restoration projects for review at the September 10 CAG meeting, and discuss it to develop the full set of recommendations. The State requests that folks look at those identified in the Army Corps Hudson-Raritan Estuary Comprehensive Restoration Plan and provide short descriptions, map locations, landowner information and potential costs for any projects that are of interest.

### **EPA Presentation on Supplemental Sampling Results**

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Stephanie Vaughn from the EPA presented this information. The presentation contains a lot of data and is available at [ourpassaic.org](http://ourpassaic.org). Some highlights include:

- Sediment concentrations show a significant increase below mile 14. Fish ingestion primarily drives the risk.
- Risk to swimmers, waders and boaters are all within or below the level of concern so there is no reason to stop boating, however the areas below RM14 will likely need to be remediated long term.
- Both EPA and NJDEP recommend that people use common sense in washing following contact with the sediment.

CAG question: Can we get a list of the assumptions that were used for the different exposure scenarios? Yes.

CAG question: What about the risk to flora and fauna? EPA conducts different ecological risk assessments for each contaminant and each receptor.

CAG question: What about the sediments that are deposited due to flooding? EPA sampled these sediments after each major flooding event and found no evidence of concentrations at a level of concern.

CAG question: Is any more sampling anticipated? Not at this point. EPA believes that it has enough data to make a decision; additional focused data will be needed to design the actual remedy. EPA submitted comments to the Cooperating Parties Group on risk assessment documents, and will be submitting comments on the draft RI in the next month. Also conducting modeling like was done for the lower 8 miles. Looking for a proposed plan in 2016 or so.

Public Question: Water quality is the main question for many folks, do you have a water quality chart to overlay the sediment contamination? No, that is not the role of Superfund. The risk from the sediments in the Passaic is significantly higher than from the water for the contaminants of concern at the Superfund site.

### **Tentative September 10 Topics**

- Review the CAG recommendations on possible natural resource restoration projects.
- 10.9 pictures
- Five year review process for OU1
- Bioremediation update